

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Milford Eugene Rimer III**  
**Connie Lynn Rimer**  
Debtor(s)

Bankruptcy Case No.: 16-11100-TPA  
Per November 28, 2017 Proceeding  
Chapter: 13  
Docket No.: 63 – 13, 47  
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED  
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

**(1.) PLAN CONFIRMATION:**

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated December 8, 2016 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1,087.00 as of December, 2017. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: 1) The secured claim of Bank of New York Mellon (Claim No. 8) shall be treated as surrender of the collateral.  
2) The secured claim(s) of the following Creditor(s) shall govern as to pre-petition arrears, and the monthly post-petition payments shall be based on allowed payment changes of record: Ditech (Claim No. 3).  
3) The secured claim(s) of the following Creditor(s) shall govern as to claim amount, to be paid at the modified Plan terms: Ally Bank (Claim No. 1).

**(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:**

**A. Objections to the Plan.** Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

**B. Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

**C. Review of Claims Docket and Objections to Claims.** Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

**D. Motions or Complaints Pursuant to §§506, 507 or 522.** All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

**E. Filing Amended Plans.** Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

**A.** After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

**B.** Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

**C.** Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

**D.** Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

**E.** The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

**F.** In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Thomas P. Agresti, Judge  
United States Bankruptcy Court

Dated: December 5, 2017

cc: All Parties in Interest to be served by Clerk in seven (7) days

**Certificate of Notice Page 4 of 5**  
 United States Bankruptcy Court  
 Western District of Pennsylvania

In re:  
 Milford Eugene Rimer, III  
 Connie Lynn Rimer  
 Debtors

Case No. 16-11100-TPA  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0315-1

User: vson  
 Form ID: 149

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 Total Noticed: 36

Date Rcvd: Dec 05, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 07, 2017.

db/jdb  
 cr  
 14321938 +Milford Eugene Rimer, III, Connie Lynn Rimer, 202 Kennard Road, Greenville, PA 16125-9417  
 +DITECH FINANCIAL LLC, 14841 Dallas Parkway, Suite 300, Dallas, TX 75254-7883  
 ++AARON S INC, PO BOX 100039, KENNESAW GA 30156-9239  
 (address filed with court: Aarons Sales & Lease, Attn: Bankruptcy,  
 309 East Paces Ferry Road NE, Atlanta, GA 30305)  
 14321941 ++CAPITAL ONE, PO BOX 30285, SALT LAKE CITY UT 84130-0285  
 (address filed with court: Capital One, PO Box 85520, Richmond, VA 23285)  
 14321940 +Capital One, Po Box 30285, Salt Lake City, UT 84130-0285  
 14321942 +Clear Spring Loan Service, 18451 North Dallas Parkway, Dallas, TX 75287-5202  
 14400195 +Directv, LLC, by American InfoSource LP as agent, 4515 N Santa Fe Ave,  
 Oklahoma City, OK 73118-7901  
 14419912 +Ford Motor Credit Company, LLC, 1060 Andrew Drive, Suite 170, West Chester, PA 19380-5601  
 14321946 +HSBC Bank, Attn: Bankruptcy, PO Box 30256, Salt Lake City, UT 84130-0256  
 14321948 +Nationstar Mortgage LLC, PO Box 619079, Dallas, TX 75261-9079  
 14321953 +Receivables Management Service, 240 Emery Street, Bethlehem, PA 18015-1980  
 14394940 University of Pittsburgh Physicians, PO Box 1123, Minneapolis MN 55440-1123  
 14321955 +Verizon, 500 Technology Drive, Suite 500, Weldon Spring, MO 63304-2225  
 14321957 +WebBank, c/o Bill Me Later, Inc., PO Box 5018, Timonium, MD 21094-5018

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr  
 +E-mail/Text: ally@ebn.phinsolutions.com Dec 06 2017 01:59:05  
 Ally Financial serviced by Ally Servicing, LLC, PO Box 130424, Roseville, MN 55113-0004  
 cr  
 +E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Dec 06 2017 02:01:43  
 PRA Receivables Management LLC, POB 41067, Norfolk, VA 23541-1067  
 14321939 +E-mail/Text: ally@ebn.phinsolutions.com Dec 06 2017 01:59:05 Ally Financial,  
 PO Box 380901, Bloomington, MN 55438-0901  
 14332654 E-mail/Text: ally@ebn.phinsolutions.com Dec 06 2017 01:59:05 Ally Financial,  
 PO Box 130424, Roseville MN 55113-0004  
 14333729 +E-mail/Text: chrisj@reedoil.com Dec 06 2017 01:59:13 Brownies Oil Co., PO Box 7,  
 Conneaut Lake, PA 16316-0007  
 14321943 +E-mail/PDF: creditonebknofications@resurgent.com Dec 06 2017 01:55:49 Credit One Bank Na,  
 Po Box 98873, Las Vegas, NV 89193-8873  
 14321944 +E-mail/Text: bankruptcy.bnc@ditech.com Dec 06 2017 01:59:14 Ditech, Attn: Bankruptcy,  
 Po Box 6172, Rapid City, SD 57709-6172  
 14345133 E-mail/Text: bankruptcy.bnc@ditech.com Dec 06 2017 01:59:14  
 Ditech Financial LLC fka Green Tree Servicing LLC, P.O. Box 6154,  
 Rapid City, South Dakota 57709-6154  
 14321945 +E-mail/Text: bnc-bluestem@quantum3group.com Dec 06 2017 02:00:05 Fingerhut,  
 6250 Ridgewood Road, St Cloud, MN 56303-0820  
 14378537 +E-mail/Text: bankruptcydpt@mcmcg.com Dec 06 2017 01:59:37 MIDLAND FUNDING LLC,  
 PO Box 2011, Warren, MI 48090-2011  
 14321947 +E-mail/Text: bankruptcydpt@mcmcg.com Dec 06 2017 01:59:37 Midland Funding LLC,  
 2365 Northside Drive, Suite 300, San Diego, CA 92108-2709  
 14334731 +E-mail/PDF: cbp@onemainfinancial.com Dec 06 2017 01:55:43 ONEMAIN, 605 MUNN RD,  
 FORT MILL, SC 29715-8421  
 14321949 +Fax: 407-737-5634 Dec 06 2017 02:34:27 Ocwen Loan Servicing, Attn: Research Dept,  
 1661 Worthington Road, Suite 100, West Palm Beach, FL 33409-6493  
 14321950 +E-mail/PDF: cbp@onemainfinancial.com Dec 06 2017 01:56:16 Onemain Financial / Citifinancial,  
 6801 Colwell Boulevard, Ntsb-2320, Irving, TX 75039-3198  
 14639737 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Dec 06 2017 02:01:52  
 Portfolio Recovery Associates, LLC, PO Box 41067, Norfolk, VA 23541  
 14377050 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Dec 06 2017 02:01:52  
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541  
 14325588 +E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Dec 06 2017 02:01:59  
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021  
 14321951 E-mail/Text: bankruptcypl@plaingreenloans.com Dec 06 2017 02:00:02 Plain Green Loans,  
 93 Mack Road, Suite 600, Box Elder, MT 59521  
 14321952 +E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Dec 06 2017 02:01:58  
 Portfolio Recovery & Associates, Po Box 41067, Norfolk, VA 23541-1067  
 14321954 +E-mail/PDF: gecsed@recoverycorp.com Dec 06 2017 01:56:17 Synchrony Bank / Walmart,  
 Po Box 965064, Orlando, FL 32896-5064  
 14399585 E-mail/Text: bankruptcy.bnc@ditech.com Dec 06 2017 01:59:14  
 The Bank of New York Mellon Trust Company, N.A., c/o Ditech Financial LLC, PO Box 6154,  
 Rapid City, SD 57709-6154  
 14321956 +E-mail/Text: rmcbbknotices@wm.com Dec 06 2017 02:00:07 Waste Management, 1001 Fannin,  
 Suite 4000, Houston, TX 77002-6711

TOTAL: 22

District/off: 0315-1

User: vson  
Form ID: 149

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Total Noticed: 36

Date Rcvd: Dec 05, 2017

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

cr Ditech Financial LLC  
cr Ditech Financial LLC fka Green Tree Servicing LLC  
cr The Bank of New York Mellon Trust Company, NA etal  
cr\* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021  
14378589\* Ditech Financial LLC fka Green Tree Servicing LLC, P.O. Box 6154,  
Rapid City, South Dakota 57709-6154

TOTALS: 3, \* 2, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Dec 07, 2017

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 5, 2017 at the address(es) listed below:

Daniel P. Foster on behalf of Debtor Milford Eugene Rimer, III dan@mrdebtbuster.com,  
clarissa@mrdebtbuster.com; fosterlaw@ecf.inforuptcy.com; anne@ecf.inforuptcy.com  
Daniel P. Foster on behalf of Joint Debtor Connie Lynn Rimer dan@mrdebtbuster.com,  
clarissa@mrdebtbuster.com; fosterlaw@ecf.inforuptcy.com; anne@ecf.inforuptcy.com  
James Warmbrodt on behalf of Creditor Ditech Financial LLC fka Green Tree Servicing LLC  
bkgroup@kmlawgroup.com  
Jerome B. Blank on behalf of Creditor The Bank of New York Mellon Trust Company, NA etal  
pawb@fedphe.com  
Jerome B. Blank on behalf of Creditor Ditech Financial LLC fka Green Tree Servicing LLC  
pawb@fedphe.com  
John F. Kroto on behalf of Creditor Ally Financial serviced by Ally Servicing, LLC  
john\_kroto@pawb.uscourts.gov, knoxbank@hotmail.com, mwernicki@kmgsllaw.com, burban@kmgsllaw.com  
Mario J. Hanyon on behalf of Creditor Ditech Financial LLC pawb@fedphe.com  
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov  
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 9